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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 WESTERN DIVISION
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11 JONATHAN PHONG KHANH TRAN,) No. SA CV 11-01244-PSG (VBK)
12)
13) Petitioner,) ORDER ACCEPTING FINDINGS AND
14) v.) RECOMMENDATIONS OF UNITED STATES
15))
16) MATTHEW CATE, et al.,)
17) Respondents.)
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17 Pursuant to 28 U.S.C. §636, the Court has reviewed the Petition
18 for Writ of Habeas Corpus ("Petition"), the records and files herein,
19 and the Report and Recommendation of the United States Magistrate
20 Judge ("Report"). Further, the Court has engaged in de novo review of
21 those portions of the Report to which Petitioner has objected.

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1 **IT IS ORDERED** that: (1) the Court accepts the findings and
 2 recommendations of the Magistrate Judge, and (2) the Court declines to
 3 issue a Certificate of Appealability ("COA").¹

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 5 DATED: 8/2/13

PHILIP S. GUTIERREZ
 PHILIP S. GUTIERREZ
 UNITED STATES DISTRICT JUDGE

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 21 ¹ Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the
 22 applicant has made a substantial showing of the denial of a
 23 constitutional right." The Supreme Court has held that, to obtain a
 24 Certificate of Appealability under §2253(c), a habeas petitioner must
 25 show that "reasonable jurists could debate whether (or, for that
 26 matter, agree that) the petition should have been resolved in a
 27 different manner or that the issues presented were 'adequate to
 28 deserve encouragement to proceed further'." Slack v. McDaniel, 529
 U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks
 omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.
 1029 (2003). After review of Petitioner's contentions herein, this
 Court concludes that Petitioner has not made a substantial showing of
 the denial of a constitutional right, as is required to support the
 issuance of a COA.